

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

REVEREND DOCTOR KEITH ALAN
 LESKO,

Plaintiff,

vs.

WILLIAM C. ROBERTS, M.D. *et al.*,

Defendants.

Case No. 2:15-cv-00967-KJD-GWF

ORDER AND FINDINGS
AND RECOMMENDATION

This matter is before the Court on Plaintiff's Motion for Leave to Proceed *in forma pauperis* (#1), filed on May 22, 2015.

Plaintiff has previously submitted a complaint based on these same facts. See Case No. 2:13-cv-1893-JAD-NJK; *see also* Notice of Related Cases (#2). Both actions are based on allegations that Defendants destroyed Plaintiff's non-profit religious organizations. The initial case depended on warnings issued about the Plaintiff's organization by Defendant American Board of Internal Medicine. The instant case also relies on those warnings and on the blog posts of Defendant William C. Roberts, M.D. The underlying facts in both cases are very similar, and this appears to be an attempt by Plaintiff to evade Judge Dorsey's ruling in the prior case limiting Plaintiff to certain claims in his Second Amended Complaint. *See* Case No. 2:13-cv-1893-JAD-NJK (#216), p. 13. Plaintiff's claims are already being litigated in Case No. 2:13-cv-1893-JAD-NJK, and Plaintiff has filed for leave to proceed *in forma pauperis* in that action. There is no need for the Court to open a second case to litigate the same series of facts. Accordingly,

IT IS HEREBY ORDERED that the Plaintiff's Motion for Leave to Proceed *in forma pauperis* (#1) is **granted**.

...

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within 14 days of service of this document. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge